

HT
393
.N7
D73
1978
v.4

JAN 2 0 1999

**DRAFT
COASTAL MANAGEMENT
REPORT**



Appendix G
**EXISTING STATE LEGISLATION
& PROGRAMS**

U. S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

Property of CSC Library

Oc

3

HT
393
.N7
D73
1978
v.4

Hu
Go

y

**Mario M. Cuomo
Secretary of State**

APPENDIX G

EXISTING STATE LEGISLATION AND PROGRAMS

INTRODUCTION

This report was prepared by the New York State Department in coordination with the Department of Environmental Conservation. The purpose is to identify state and federally-legislated programs and authorities applicable to coastal areas and to analyze their relationship to coastal management. The discussion focuses on Department of Environmental Conservation programs. Included are brief reviews of other state agency programs, federally legislated programs carried out by state agencies and federal laws such as the National Environmental Policy Act (NEPA) which requires DEC to review draft environmental impact statements required by the federal law.

In Section III of the main body of the Draft Coastal Management Report, there are discussions relating coastal policies to state legislation and programs that will be used in their implementation. Refer to these discussions for a comprehensive review of state programs.

TABLE OF CONTENTS

	Page
INTRODUCTION	1
DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S PROGRAMS	
Environmental Review Programs	
National Environmental Policy Act	4
State Environmental Quality Review	5
State Capital Projects Review	6
Cumulative Impact	7
LAND RELATED PROGRAMS	
Tidal Wetlands	8
Freshwater Wetlands	9
Wetland Acquisition and Restoration	10
Flood Plain Management-National Flood Insurance Program	11
Shore Erosion Control Program	12
Approval of New Solid Waste Management Facilities	13
Fish and Wildlife Management Act (FWMA)	14
Fish Propagation and Management	15
Wildlife Propagation and Management	16
Public Access to Fishing Areas	17
Endangered Animal Species	18
Land and Forest Resources	19
Oil and Gas Well Spacing, Pooling, and Unitization	20
Oil and Gas Leases on State Lands	21
Plugging Oil and Gas Wells	22
Mined Land Reclamation	23
Wild, Scenic and Recreational Rivers Program	24
Protection of Natural and Man-Made Beauty	25
State Nature and Historical Preserve Trust	26
Endangered Plant Species Protection	27
WATER RELATED PROGRAMS	
Marine and Coastal Resources	28
Oil Spill Contingencies and Liabilities	29
Realty Subdivisions: Sewerage Service and Water Supply	30
Water Supply Approval	31
State Pollutant Discharge Elimination System (SPDES)	32
Protection of Waters	33
River Improvement Program	34
Waste Collection Registration Program	35
AIR POLLUTION CONTROL PROGRAMS	
Air Quality Maintenance Planning	36
Significant Deterioration of Air Quality	37
Permits for Sources of Air Pollution	38
Indirect Source Control	39
Upgrading State/Municipal Air Pollution Sources Under the Environmental Quality Bonds Act	40

OTHER STATE AGENCY PROGRAMS

Siting of Major Steam Electric Generating Facilities	41
Gas Pipeline and Electric Transmission Line Certification	42
Agricultural Districting	43
Parks and Recreation	44
Transportation	45
Public Lands Law (PLL)	46

ENVIRONMENTAL REVIEW PROGRAMS

NATIONAL ENVIRONMENTAL POLICY ACT

Program Description

The National Environmental Policy Act of 1969 applies to all Federal agencies undertaking an action - including construction, funding or licensing activities - which may have a significant impact on the environment. For such proposals, the Act requires the responsible Federal agency to prepare and distribute for public review a Draft Environmental Impact Statement. Based on comments received on the Draft E.I.S., a final E.I.S. is prepared which should be used by the Federal Agency in acting on the proposed action.

In New York State, DEC was designated by the Governor's Office (Hurd-Douglass Memorandum, May 7, 1971) as the agency responsible for coordinating the State's review of draft NEPA statements, among State agencies. Federal agencies also obtain comments on these statements from local agencies and through the Regional Clearinghouses (RPB's).

DEC review of Draft E.I.S. is concentrated on the adequacy and accuracy of the statement. During the review of a Draft E.I.S., deficiencies in the statement may be identified which, when brought to the attention of the responsible Federal agency, could alter the project or result in denial of the action.

Statutory Authority

P.L. 91-190 (National Environmental Policy Act of 1969); Hurd-Douglass Memorandum designates NYS DEC as NEPA statement coordinator for New York State.

Program Status

NEPA reviews are of an on-going nature. There have been forty to fifty reviews a year, including atomic energy projects.

Relationship to Coastal Zone Management

In conjunction with SEQR, NEPA will be an important tool for carrying out an effective CZM program by ensuring that federal projects are scrutinized for their environmental effects. As a necessary accompaniment to a CZ management program, it will assist in making certain that project proposals for the coastal zone meet identified permissible land and water uses.

Other Agencies Involved

While DEC is the coordinating State agency, other state agencies as well as local governments provide comments.

STATE ENVIRONMENTAL QUALITY REVIEW

Program Description

Under SEQR, State agencies and local governments are required to prepare an environmental impact statement for any action that may have a significant effect on the environment. The purpose is to incorporate environmental factors into the existing planning and decision-making processes at the earliest possible time along with social and economic considerations. This will be accomplished by the adoption of general environmental review guidelines as promulgated by DEC. These guidelines will serve as: an administrative template for local and statewide environmental impact review; and a mechanism for coordinating and streamlining interagency environmental review.

Statutory Authority

Environmental Conservation Law, Article 8

Program Status

The effective date of SEQR was to have been June 1, 1976. However, the State Legislature passed and the Governor signed a bill extending the date as follows: To September 1, 1976 for actions undertaken by State agencies; to June 1, 1977 for actions undertaken by local governments, including those funded by State government; to September 1, 1977 for all licensing and permitting activities of State and local governments.

Relationship to Coastal Zone Management

SEQR is one of the most important tools for carrying out an effective CZM program. It will supplement the existing NEPA system covering federal projects by ensuring that State and local projects are also scrutinized for their environmental impacts. As a necessary accompaniment to a CZ management program, it will assist in making certain that project proposals for the coastal zone meet identified permissible land and water uses. The effective dates of SEQR should correspond well with the CZM timetable.

Other Agencies Involved

All State and local government agencies undertaking action that would significantly affect the environment.

STATE CAPITAL PROJECTS REVIEW

Program Description

Under the provisions of a memorandum in 1972 from the Division of the Budget to State Agency heads, administrative procedures have been established requiring that DEC conduct an environmental assessment of State agency projects proposed for capital construction. These procedures have been incorporated in the State budget preparation manual as Item 73. The type of projects for which these assessments must be made are defined in the manual. State agencies are required to submit to this process as a condition of gaining budget approval.

Statutory Authority

Item 73, State Budget Preparation Manual.

Program Status

DEC screens about 150 projects a year for review. About half of the project proposals are sent to DEC Regional Offices for review. The remainder are disposed of at the Central Office in the Environmental Analysis Office. The vast majority of these projects are initiated by SUNY and DOT. Most are routine such as boiler installation, construction of DOT maintenance facilities, or drainage facilities.

Relationship to Coastal Zone Management

When the State Environmental Quality Review (SEQR) procedures become effective, the need for the State Capital Projects Review process should be eliminated. SEQR will cover not only what is addressed by this process but projects financed by State bonding authorities as well as local projects.

Other Agencies Involved

State agencies proposing projects.

CUMULATIVE IMPACT

Program Description

Cumulative impact review is an administrative mechanism presently in use by DEC that empowers the Commissioner to comprehensively review projects with diverse environmental impacts. It has been used with such projects as the proposed construction of second home communities. The cumulative impact powers of the State arise from an amendment to the Environmental Conservation Law (Section 3-0301(b)). This section empowers the Commissioner to:

"Promote and coordinate management of water, land, fish, wildlife, and air resources to assure their protection, enhancement, provision, allocation, and balanced utilization consistent with the environmental policy of the State and take into account the cumulative impact upon all of such resources in making any determination in connection with any license, order, permit, certification or other similar action or promulgating any rule or regulation, standard or criterion."

An applicant can qualify for cumulative impact review simply by applying for a DEC permit, license, certification, etc. It is then up to the Commissioner to decide whether or not to require cumulative environmental impact review. Only large, far reaching projects usually require such review.

Statutory Authority

ECL 3-0301(b).

Program Status

Cumulative impact reviews are undertaken in response to project proposals.

Relationship to Coastal Zone Management

This administrative mechanism should certainly be integrated into the CZ management program to ensure that any large projects proposed for coastal areas receive the necessary comprehensive cumulative review. Such a review process will be especially valuable in the coastal zone since a great deal of information on coastal resources will be available from which to judge impacts.

Other Agencies Involved

None.

LAND RELATED PROGRAMS

TIDAL WETLANDS

Program Description

This program is designed to preserve and protect tidal wetlands, and to prevent their despoilation and destruction, giving due consideration to the reasonable economic and social development of the State. There are two program phases; inventory and regulatory. The inventory phase involves: (a) the identification by NYS DEC of approximately 25,000 acres of tidal wetlands on the Atlantic Coast, Long Island Sound, and Hudson River up to the Tappan Zee Bridge; and (b) a moratorium on development in tidal wetlands which expires on completion of the inventory. The regulatory phase involves: (a) promulgation of final rules and regulations (set for November 10, 1976) allowing only those uses of tidal wetlands and a 300 foot buffer strip that are compatible with the preservation, protection and enhancement of the present and potential values of tidal wetlands; (b) the requirement of a permit for any activity directly or indirectly altering or impairing the natural condition or function of any tidal wetland; (c) the provision for cooperative agreements with counties, cities, towns and villages for tidal wetland preservation and enhancement.

Permits are required for: (1) any form of draining, dredging, excavation or removal, either directly or indirectly, of soil, mud, sand, shells, gravel or other aggregate; (2) any form of dumping, filling or depositing, either directly or indirectly, of any soil, stones, sand, gravel, mud, rubbish or fill of any kind; (3) the erection of any structures or construction of any roads; (4) the driving of any pillings or placing of any other obstructions, whether or not changing the ebb and flow of the tide; (5) any form of pollution, including but not limited to, installing a sewage septic tank, cesspool, leach field or seepage pit, running a sewer outfall, discharging sewage effluent or other liquid wastes into or so as to drain into a tidal wetland and the use of any pesticide or herbicide; (6) installation of a dry well, storm water sewer, retention basin, filter, open swale or pond for drainage or run-off control purposes; and (7) the operation of motor vehicles, including air boats and all other all-terrain vehicles, within a tidal wetland (except for educational or scientific research purposes).

Statutory Authority

Environmental Conservation Law Article 25, NYS Tidal Wetlands Act (Chapter 790, Laws of 1973). This act repeals Chapter 545, Laws of 1959, The Long Island Wetlands Act.

Program Status

The inventory portion of the program is nearing completion. A task force is preparing the land use rules and regulations, with a draft version scheduled for public hearings this summer. The program is on a time schedule commensurate with the Coastal Zone Program.

Relationship to Coastal Zone Management

The program will be an integral component of the CZM program for the following reasons: (1) it identifies tidal wetlands and associated resource data and values; (2) it assists in designating a landward coastal zone boundary; geographic areas of particular concern (GAPC); and permissible and priority uses; and (3) it provides for a permit system regulating uses or activities in tidal wetlands and, hence in the coastal zone.

Other Agencies Involved

Nassau Suffolk Regional Planning Board; municipal governments when cooperative agreements made.

FRESHWATER WETLANDS

Program Description

The Freshwater Wetlands Act calls for the inventory and regulation of freshwater wetlands throughout the State. There are three major components: (1) an interim permit program; (2) an inventory of wetlands; and (3) a permanent permit program. The interim permit program went into effect in September, 1975 and states that no one may conduct a regulated activity (such as dredging, filling and polluting) in a wetland without obtaining an interim permit. DEC determines whether or not a particular area is a wetland subject to regulations. Permits are granted only if the applicant can demonstrate that a hardship would be suffered without the permit.

The inventory identifies and maps all wetlands over the statutory minimum size of 12.4 acres (3 hectares), as well as smaller wetlands not covered under the law.

The permanent regulatory program goes into effect as the inventory is completed. Each local government may adopt a wetlands protection law at least as restrictive as the State law and regulate wetlands within its boundaries, with DEC providing technical assistance and performing monitoring activities to ensure compliance with the State law. If a local government does not want to participate, does not have the technical capacity, or fails to implement the program effectively, the county can carry out the program. If the county refuses, or operates the program unsatisfactorily, regulation would revert to DEC.

A special appeal and review process is established through an Appeals Board. Also, to help ensure management of wetlands, the law provides for cooperative management agreements between DEC and wetland owners.

Statutory Authority

ECL Article 24, Freshwater Wetlands Act of 1975

Program Status

The interim permit program has been in effect since September, 1975 and will continue until permanent regulations become effective. The inventory is about 45 percent complete with emphasis on coastal zone counties along the Hudson River and the Great Lakes-St. Lawrence area. All mapping is scheduled for completion in 1977.

Relationship to Coastal Zone Management

As with the Tidal Wetlands Program, this program will be an integral component of the CZM program for the following reasons: (1) it identifies freshwater wetlands and associated resource data and values; (2) it assists in designating a landward coastal zone boundary; geographic areas of particular concern (GAPC); and permissible and priority uses; (3) it provides for an interim permit system and a subsequent local government regulatory process governing uses and activities in freshwater wetlands above a certain size located in coastal areas subject to the CZM program.

Other Agencies Involved

Local governments and, possibly in some case, counties.

WETLAND ACQUISITION AND RESTORATION

Program Description

DEC's Division of Fish and Wildlife develops and implements plans to restore wetlands as productive natural areas for a variety of living things. Restoration programs are carried out under the Tidal Wetlands Act; on small marshes constructed on private lands under lease or on State owned lands; and on some State Wildlife Management Areas. Major activities include construction and maintenance of water control structures and dikes; manipulation of water levels and wetland vegetation; and establishment of food plots.

Technical assistance is given for wetlands restoration projects. The Environmental Quality Bond Act provides \$4 million for wetlands restoration projects in public ownership or dedicated in perpetuity and administered through a municipality. Rules and regulations have been prepared covering such projects.

Private landowners are encouraged to manage wetlands through Division staff participation in State grant-in-aid programs and by direct consultation with Division staff.

The Environmental Quality Bond Act also provided \$18 million for the acquisition of tidal wetlands and \$5 million for the purchase of freshwater wetlands.

Statutory Authority

Environmental Conservation Law, Article 24 and 25; Environmental Quality Bond Act, Section 260 (2)

Program Status

The restoration program has moved very slowly, with only about \$500,000 having been spent of the \$4 million allocated in the Bond Act. Of the funds allocated for the purchase of tidal and freshwater wetlands, only a small amount has thus far been expended.

Relationship to Coastal Zone Management

Depending upon the availability of funds from the Bond Act, the CZ management program could benefit from the use of such funds for the purchase of those tidal or freshwater wetlands in the coastal zone which are especially critical for preservation and are best held in public ownership.

Other Agencies Involved

Municipalities in some cases.

FLOOD PLAIN MANAGEMENT-NATIONAL FLOOD INSURANCE PROGRAM

Program Description

This non-structural program provides federal subsidized flood insurance in return for local regulation of land uses in flood hazard areas. It is designed to limit vulnerable new development in flood risk areas and to provide a routine insurance program to cover flood losses that do occur. The program has three basic parts: (1) notification of special flood hazard areas through official Flood Hazard Boundary Maps prepared by HUD showing areas having a one percent annual chance of being flooded; (2) enactment of an emergency flood insurance program to include, as a minimum: (a) a building permit system with permit review to insure sites are reasonably free from floods and (b) regulations for flood prone areas, including minimal subdivision controls; and (3) enactment of the regular flood insurance program upon preparation by HUD of a Flood Insurance Rate Map and an accompanying detailed engineering study. After receiving this map, a community must expand its flood plain management regulations to protect new construction from future flooding.

Some of these regulations would include: (1) a building permit system for new or altered construction in the 100 year flood zone; (2) prohibition against new structures and other development projects (including landfills) within the floodway; and (3) regulations against the expansion of non-conforming existing uses.

Statutory Authority

Federal: Flood Disaster Protection Act of 1973 (P.L. 93-234); Housing and Urban Development Act of 1969 (P.L. 91-152); Housing and Urban Development Act of 1968 (National Flood Insurance Act of 1968) (P.L. 90-448). State: ECL Article 36, Chapter 839, Laws of 1974, enacted June 7, 1974, effective September 1, 1974.

Program Status

HUD notification of flood hazard areas has been completed, although additional areas may be determined at a later date. (1500 out of 1600 municipalities in the State received notification.) 1200 communities have established Flood Insurance Eligibility. NYS DEC has adopted regulations to be applied in case of local default.

Relationship to Coastal Zone Management

Since the landward extent of the 100 year flood is one of the criteria being used for delineating a preliminary coastal zone boundary, the regulatory measures adopted under this program will apply within the coastal zone management area. Accordingly, these measures will constitute an important and major element of that portion of the CZM program dealing with the regulation of permissible and prohibited land uses. In this respect, the objectives of both programs coincide, the Flood Insurance program providing an excellent implementation mechanism to carry out some CZM objectives.

Other Agencies Involved

Municipality usually undertakes the program.

HURRICANE PROTECTION AND SHORE EROSION CONTROL PROGRAM

Program Description

Under New York State law, shore erosion control and protection from hurricane flooding are limited to construction of protective works along the Atlantic shoreline of the State, the North Shore of Long Island and the Easterly Shoreline of Staten Island. Protective works are constructed by the Corps of Engineers through a Federal-State-local program or by the State through a State-local program. Municipalities must provide necessary lands, maintain the project and reimburse the State for 30% of non-federal construction costs. Areas to be protected must be publicly owned. The program is subject to environmental permit procedures and environmental impact statements.

Federal involvement in beach erosion control and hurricane protection in the last 15 years has reduced the state-local program to projects in limited areas not covered under the Federal program or to interim protection works pending completion of a federal study. The Federal-State-local projects are usually much larger in scope and may cost in excess of 20 million dollars.

Statutory Authority

Federal: Public Laws 727, 826, 874, 298, 661; State: Laws of 1945, Chapter 535 (McKinney Unconsolidated, Title 4, Ch. 7).

Program Status

The programs are ongoing as needed. More than one hundred state-local government shore protection projects have been built since 1946 costing more than \$27,000,000. In the federal-state-local program, Beach Erosion Control and/or Hurricane Protection Studies have been completed for the entire south shore of Long Island and New York City. The north shore of Suffolk County has also been studied. These studies resulted in congressionally authorized projects in various stages of development, with a current estimated total cost in excess of \$250,000,000. Two projects are currently under construction at East Rockaway Inlet and at Fire Island Inlet and the south shore westerly to Jones Inlet.

Relationship to Coastal Zone Management

As an ongoing structural program, shore erosion control has a significant and close relationship to a CZM program principally by providing structural means of implementing CZM program objectives. For example, in areas where increased recreational needs can be met by beach restoration, the construction of beach protection facilities can be undertaken through this program. Or, where it is determined under the CZM program that existing uses need protection because of large public investment, this program could be used as an implementing mechanism.

Other Agencies Involved

U.S. Corps of Engineers; local governments.

APPROVAL OF NEW SOLID WASTE MANAGEMENT FACILITIES

Program Description

New solid waste management facilities require approval from DEC under Title 5 of ECL Article 27; the purpose is to provide a unified regulatory framework in the State to assure that solid waste management is conducted in a safe, efficient, economic, and environmentally sound manner. The Department provides assistance in the selection of appropriate sites. Detailed engineering plans must be submitted and approved for all new facilities with eventual reuse of a site a major consideration in the design review process. Following construction, an operator certification process goes into effect, similar to certification for wastewater treatment plant operators; this process is designed to gain better quality operations by ensuring that the operator has had sufficient training and experience.

Statutory Authority

ECL Article 27, Title 5.

Program Status

This is an on-going approval process operating in response to facility approval requests.

Relationship to Coastal Zone Management

To the extent that new solid waste management facilities are proposed for coastal areas, this approval program will help ensure that the facilities are appropriately located and designed, especially with respect to environmental effects. In turn, the CZ management program will be able to provide a great deal of information concerning geographic areas of particular concern, permissible land and water uses, etc., which will serve as input into the approval process for any new facilities proposed for coastal areas.

Other Agencies Involved

Municipalities submitting proposals for new facilities.

FISH AND WILDLIFE MANAGEMENT ACT (FWMA)

Program Description

This Act, which became effective April 1, 1958, gives the Department authority to develop and administer programs for fish and wildlife management in cooperation with private landowners. It has been interpreted to also include programs for public access to public lands and waters.

The Act provides for the development of these programs from proposals originating in the various fish and wildlife management regions in which they are to be applied. These regions are conterminous with the Department administrative regions.

In return for cooperative agreements between the Commissioner and individual landowners, the Department provides technical services and materials for carrying out approved fish and wildlife management practices on cooperators' lands. In addition, the management plan or program usually includes provision for protective law enforcement patrol.

FWMA is viewed by the Division of Fish and Wildlife primarily as a device for providing public access to private lands for the enjoyment of fish and wildlife resources. Such access to the present time has been arranged under various cooperative agreements for periods of time mutually agreed to by the Division and the FWMA Cooperator. Most agreements have been for hunting and fishing, with posting and enforcement by the Department.

The Division plans in the future to encourage FWMA agreements for the general enjoyment of fish and wildlife, such as bird watching, where there are unique opportunities on private lands.

Statutory Authority

ECL Article 11, Title 5

Program Status

There are presently 38 FWMA areas including 1800 cooperators covering 500,000 acres of land and water in 36 counties.

Relationship to Coastal Zone Management

This program is significant for CZ management in several respects. First, identification of FWMA areas in the coastal zone will assist in the designation of geographic areas of particular concern (GAPC's); second, this program could be used as a component of the CZM program to involve additional private landowners in cooperative fish and wildlife management practices that would be compatible with coastal zone management objectives.

Other Agencies Involved

The county's chief executive officer appoints representatives to the Regional Fish and Wildlife Management Boards. Members of the State Board include among others, the Commissioner of Agriculture and Markets, the Dean of the New York State College of Agriculture, the Dean of the New York State Forestry College, the Chairman of the State Soil Conservation Committee, and the Chairman of the State Forest Practice Board.

FISH PROPAGATION AND MANAGEMENT

Program Description

DEC's Division of Fish and Wildlife is involved in a number of activities which relate to the propagation and management of fish. These activities fall within the five fish and wildlife program areas of environmental protection ; environmental management; species management, public use and extension services.

Fish propagation is accomplished artificially in State fish hatcheries and/or through various management practices carried out in suitable waters.

Fisheries management is broadly interpreted under 11-0303 and 11-0305 of the ECL and includes development of harvest regulations; fish stock and habitat inventories and monitoring; lake and stream habitat protection, improvements and maintenance; species management; provision for public access to the fish resources through acquisition and development; and general public education and training.

There are 16 hatcheries operated and maintained by the Department. These facilities produce mostly cold water species.

A new \$4.5 million Great Lakes salmonid hatchery is being planned for stocking the waters of Lakes Ontario and Erie during the 1978-1979 season.

The Great Lakes hatchery is part of a projected \$15 million hatchery modernization and improvement program which has been proposed by the Department. The overall goal of this program is fewer and larger hatcheries operating at higher efficiency; with a lower unit cost per fish produced.

Statutory Authority

ECL 11-0303 and 11-0305.

Program Status

About 4,400 miles of cold water streams are being stocked annually. Over 60 warmwater lakes and ponds are stocked annually as well as some urban warmwater streams.

Relationship to Coastal Zone Management

DEC fish propagation and management activities are significant for coastal zone management, especially now that salmonid stocking programs are planned for the Great Lakes. Resultant impacts of these programs on several coastal communities in the Great Lakes could be great, with a concomitant need to develop programs to protect land and water resources. In turn, the maintenance of a viable fish propagation and management program will depend upon the effectiveness of a coastal zone management program that includes measures to preserve and protect those types of environments critical to maintenance of fish populations.

Other Agencies Involved

None.

WILDLIFE PROPAGATION AND MANAGEMENT

Program Description

DEC activities relating to the propagation and management of wildlife fall within five program areas of environmental protection, environmental management, species management, public use, and extension services. Environmental protection programs include inventorying, monitoring, and assessing the condition of various species and habitats, and the actions which would impact these conditions, such as pesticide and herbicide applications. Other protection activities include participation in critical area identification and regulation, in the state acquisition of such areas, and in the analysis of environmental impact statements.

Environmental management involves both structural and non-structural habitat improvement activities for both large and small game and other wildlife through cultivation of a diversity of vegetative types, provision of browse and development of wintering areas. Some experimental burning is also done to modify ground cover. Wetlands management has implications for waterfowl and other aquatic wildlife species.

Species management is traditionally associated with the 53 game species. Activities include survey and inventory; regulation of take and protection of resting areas; and rearing, stocking, trapping and transferring. Programs cover large and small game, upland game birds, waterfowl and furbearers. There are special programs for nuisance species control, endangered species protection, enjoyment of non-game species, control of certain predator species, and pheasant rearing.

Public use activities include acquisition of hunting lands and purchase of public access easements. Trails, access roads, and parking areas are also developed and maintained. The division also runs controlled hunts on special state lands, trials of hunting dogs, and wildlife management camping areas. The Fish and Wildlife Management Act, which is discussed separately on page , is most significant in terms of public access.

Wildlife extension services consist of environmental education activities, preparation of publications and news releases, hunter safety training, and waterfowl identification courses.

Statutory Authority

ECL. Articles 11 and 13.

Program Status

Nearly 180,000 acres of state land are managed for wildlife along with nearly 500,000 acres of private land. This includes maintenance of 131 marshes on state land and 400 marshes on private land. Two game farms are operated. About 100 thousand young pheasants were distributed in 1975. In cooperation with federal waterfowl management programs, DEC banded some 10,000 birds last year. Nearly 1500 wildlife nuisance complaints are handled annually. In 1975, hunter safety training was provided for nearly 90,000 new hunters.

Relationship to Coastal Zone Management

DEC wildlife propagation and management programs are significant for CZM where they take place in the coastal zone. In particular, habitat improvement activities in coastal freshwater and tidal wetlands, carried on for the benefit of waterfowl hunting, can benefit coastal zone non-game wildlife species. In addition, significant wildlife habitats are being identified throughout the coastal zone and some may be designated as Geographic Areas of Particular Concern (GAPC). Such areas will be subject to protection and preservation under the CZM Program, thus assuring the maintenance of habitat which is vital to continuation of a viable wildlife management program.

Other Agencies Involved

None.

PUBLIC ACCESS TO FISHING AREAS

Program Description

The Division of Fish and Wildlife has a program under the authority of 3-0305 of the ECL, the Parks and Recreation Bond Act of 1960, and more recently the Environmental Quality Bond Act of 1972, to acquire public fishing access to lakes, large rivers and quality streams, including the provision of boat launching sites. These purchases help to ensure continued fisheries management on the many lakes and rivers owned by the public.

The Bond Act provides for the acquisition of fishing rights on quality streams as well as for the purchase of selected lands on major rivers, lakes and coastal waters to provide public access or to protect the right of public use of such waters.

Public access to fishing areas on State owned lands has also been provided, and has received major emphasis. Additional fishing access is obtained by incorporating provisions for public use in private and public water development projects and through cooperative planning with other agencies such as the Corps of Engineers.

Statutory Authority

ECL 3-0305; Parks and Recreation Bond Act of 1960; Environmental Quality Bond Act of 1972.

Program Status

Twenty boat launching sites on major waters were obtained by purchase, lease, permit or transfer of jurisdiction from other public agencies prior to the 1960 Bond Act. More than 70 launching sites have been acquired and developed since the 1960 Bond Act. DEC maintains over 1100 miles of public easement access to fishing streams, rivers, lakes and coastal waters.

Relationship to Coastal Zone Management

For those lakes and rivers falling within the coastal zone boundary, including marine waters, this program could continue to be used to obtain public access to fishing areas identified as having substantial recreational value if access were provided. This could be done in conjunction with the CZM Act amendments of 1976 providing for 50% federal matching grants to acquire lands for access to public beaches and other public coastal areas.

Other Agencies Involved

Office of Parks and Recreation

ENGANGERED ANIMAL SPECIES

Program Description

The Endangered Species Unit of the Division of Fish and Wildlife develops programs to establish and maintain populations of endangered and threatened wildlife species in the State. Preliminary surveys are made to determine the apparent status of candidates for endangered species classification. Once a species has been classified as endangered, its range, habitat requirements, available habitat, reasons for decline and other basic life history information are determined. Management programs are developed and initiated which will provide protection and enhancement of the species and its habitat, and either natural or artificial re-establishment of the species in as much of its former range as is feasible.

Four species of wildlife (American peregrin falcon, Indiana bat, Eastern timber wolf, and Eastern Puma) recognized by the U.S. Fish and Wildlife Service as endangered, are presently found in or have been extirpated from the State. The State has also classified the bog turtle, bald eagle, and American Osprey as endangered. These and other species which may be classified as endangered or threatened require immediate efforts on their behalf if they are to continue to be found in or restored in New York State.

Statutory Authority

ECL 11-0535

Program Status

Some efforts have already been undertaken in this program. During the past summer, a survey of osprey nests on Long Island was made. In addition to the Osprey, further efforts will be directed toward determining the status and protecting the habitat of the bald eagle, bog turtle, Indiana bat, massasauga rattlesnake, and peregrine falcons. For the bald eagles, ospreys, and peregrine falcons, attempts will be made to establish viable populations through release of hand-reared birds and egg transfer. Also, a study will be made of the feasibility of re-establishing the puma in the State.

Relationship to Coastal Zone Management

This is a significant program from the standpoint of coastal zone management since several of the endangered species depend upon the maintenance of habitats within the coastal zone for their successful establishment and long-term existence. Such habitats are required to be designated Geographic Areas of Particular Concern (GAPC) in the CZM program and provisions made for the protection and/or preservation. Thus, the CZM program will provide an excellent means of ensuring that necessary habitats for endangered species are protected.

Other Agencies Involved

None.

LAND AND FOREST RESOURCES

Program Description

DEC has many responsibilities for managing the lands and forests of New York. Several programs relate to portions of the coastal zone, particularly those areas adjacent to the Great Lakes and St. Lawrence River. Under ECL 9-0501, the Department has the power to acquire lands outside of the Adirondack and Catskill Parks which are adapted for reforestation and the establishment and maintenance of forests for watershed protection, the production of timber and other forest products and for recreation and other purposes. Such reforestation areas, which must consist of at least five hundred acres of contiguous lands, may be acquired by gift, purchase or appropriation.

In addition, under ECL 9-0717 a county, city, town, village, school district or any other political subdivision of the State, may acquire lands by purchase or gift to use for forestry purposes.

Statutory Authority

ECL 9-0501 and 0717

Program Status

850,000 acres of State forest land have been acquired under ECL 9-0501.

Relationship to Coastal Zone Management

In coastal areas where it is deemed desirable to acquire lands for watershed protection, recreation, or other coastal zone objectives, if the land can also be used for reforestation and forest management purposes, these programs provide the necessary authority for acquisition. Thus, they definitely should be included in the CZ program as possible management devices.

Other Agencies Involved

None.

OIL AND GAS WELL SPACING, POOLING, AND UNITIZATION

Program Description

Under Article 23 of the ECL, well density is regulated in oil or gas pools discovered after October 1, 1963. In the absence of a spacing order no well can be drilled closer than 1320 feet from any other producing oil or gas well completed in the same pool. After notice and public hearing, the Department can establish spacing units for each pool if it finds these are necessary to prevent waste and to protect correlative rights. A spacing order shall also specify the procedure to be followed for compulsory integration of interests within the individual spacing unit if voluntary intergration cannot be agreed upon within 90 days.

The program prevents uneconomic overdevelopment of a pool caused by wells being drilled with no semblance of order or reason. Substantial acreages are involved in the leases taken by operators affected by this program. This law applies only within the 3 mile limit.

Statutory Authority

Environmental Conservation Law, Article 23.

Program Status

The spacing orders have been issued, including two during 1974 involving about 640 acres each.

Relationship to Coastal Zone Management

While not of major significance for CZ management, this law will nevertheless, be applicable and of value in those oil and gas pools located within the boundaries of the to-be-designated coastal zone.

Other Agencies Involved

None.

OIL AND GAS LEASES ON STATE LANDS

Program Description

The program makes available all State lands, except State park lands, for oil and gas leasing upon approval of the State agency having jurisdiction over the particular piece of land. The process include definition of leased area, construction of maps for the area, placing of the area for leasing, and advertising for competitive bids with the award going to the highest responsible bidder. There is some negative impact on the land, although only a small percent of the land is disturbed during operations. All oil and gas leases are limited in duration to ten years and as long thereafter as oil or gas is produced in commercial quantities. After operations cease, the property must be left in a condition satisfactory to the agency having jurisdiction over the land.

Statutory Authority

Environmental Conservation Law, Title 11, Article 23.

Program Status

Substantial acreages are involved. By 1974-75, about 85,000 acres of State lands were under lease.

Relationship to Coastal Zone Management

This program could have significant effects in coastal areas where State lands are determined to contain oil and/or gas. To the extent that such information is presently known, it must be considered during development of the management program, particularly when permissible land and water uses and priority uses for particular areas are being considered. Once SEQR becomes effective, it would appear that the provisions of this program will be strengthened if it is determined that an environmental impact statement would be required for leasing.

Other Agencies Involved

Any government agency with jurisdiction over certain State lands. With respect to lands under water held by the State, jurisdiction is in the Office of General Services.

PLUGGING OIL AND GAS WELLS

Program Description

Under Title 3 of Article 23, ECL, the operator of a well that is unproductive or that becomes a non-commercial producer must obtain a permit from the Department and plug the well in a satisfactory manner. The Bureau of Minerals maintains surveillance of as many plugging operations as manpower permits. In cases where a well is not plugged and there is a well plugging and surface restoration bond in force, the bonding company is held responsible for funding the plugging operation. The State is empowered to take temporary possession of the land. The State then hires a contractor to plug under Departmental plugging standards and recovers the expended funds from the bonding company to the limits of the bond and from the operator if the bond is insufficient. This law applies only within the 3 mile limit.

Statutory Authority

Environmental Conservation Law, Article 23, Title 3

Program Status

This permit and plugging procedure is on-going and carried out as needed. At the end of 1974, at least 1500 wells needed plugging. During 1975, 553 wells were plugged.

Relationship to Coastal Zone Management

If an unplugged well in the coastal zone is a source of land or water pollution, or responsible for other adverse environmental effects, this program will enable action to be taken to correct the situation. For this reason, this program must be incorporated into and made an integral part of a coastal zone management program.

Other Agencies Involved

None

MINED LAND RECLAMATION

Program Description

This program was enacted to control the environmental impacts of surface and underground mining and assure suitable reclamation of mined areas. All public and private mining operations extracting over 1,000 tons of material within a twelve month period, including sand and gravel, must have a permit to proceed from DEC. The permit application must include both a plan for the mining operation and a plan for the reclamation of the mined area to bring it to a condition compatible with its surroundings and encourage its future re-use. The plans are to be related to officially adopted local government land use plans and regulations. If a permit is granted, the applicant except for political subdivisions or municipalities must post a bond to assure compliance with the approved mined use plan.

DEC is taking steps to integrate the Mined Land Reclamation Law with review processes set up under the State Environmental Quality Review Act (SEQR).

Statutory Authority

Environmental Conservation Law, Article 23, Title 27.

Program Status

The permit program is now in effect under draft rules and regulations; hearings on the draft regulations were held in February, 1976, and revisions are now being made. Primary emphasis at this time is being placed on the first of two major phases of the program - registration of all active mining operations in the state. Upon completion of the first phase, the second phase which consists of full implementation will begin.

Relationship to Coastal Zone Management

To the extent that proposals for mining are made within the boundaries of the coastal zone management area, this program will help ensure that reclamation of the mined area takes place.

Other Agencies Involved

None.

WILD, SCENIC AND RECREATIONAL RIVERS PROGRAM

Program Description

Established by State legislation in 1972, this is a program to preserve, protect and enhance rivers with outstanding natural, scenic, historic, ecological and recreational values, paralleling a 1968 Federal law for a similar national program. This State system provides the Commissioner of the Department of Environmental Conservation jurisdiction over components of the rivers system outside the Adirondack Park and on State owned land within the Adirondacks. Rivers are classified into the system by the legislature, which may also specify certain rivers for study by DEC and/or APA with respect to possible classification. Both agencies may also initiate recommendations to the legislature. The law establishes criteria for "wild," "scenic," and "recreational" classifications and provides that DEC and APA must define boundaries and develop and enforce regulations for the management and protection of streams, once classified.

While rules and regulations have not yet been promulgated, it is DEC's intent to delegate as much of the program as practical to local governments, providing they demonstrate the ability and willingness to meet minimum management standards. The key to local land use controls in designated river areas is local/State cooperation and action through appropriate management devices such as local codes, zoning and land-owner agreements. To facilitate this cooperation and action, the initial DEC program guidelines call for the appointment, by the Commissioner of DEC, of local management advisory committees to assist the Department in the development and implementation of management programs.

Statutory Authority

Environmental Conservation Law Article 15, Title 27 (1972)

Program Status

Approximately 55 rivers have been designated in the Adirondack Park and an additional six have been designated outside. Two of these are on Long Island, with sections of them possibly falling within that part of the coastal area to be designated as the coastal zone for management purposes. Several other rivers in coastal zone counties along the Hudson River are currently being studied or have had studies completed which recommend their inclusion into the system. Preliminary studies have been done on a number of streams in the Great Lakes Coastal Zone counties of Jefferson and St. Lawrence to determine their eligibility for possible inclusion in the system.

Relationship to Coastal Zone Management

This program is significant for the CZM program in several respects. The designation of rivers in coastal areas will assist in the determination of a landward CZM boundary and in the designation of geographic areas of particular concern (GAPC's). The land and water use criteria for each designated river's classification will assist in the determination of CZM permissible and priority uses for wild and scenic rivers in the coastal zone. The land and water use regulations for each river classification can be incorporated into CZM program as an implementing mechanism.

Other Agencies Involved

Adirondack Park Agency; municipal governments where appropriate.

PROTECTION OF NATURAL AND MAN-MADE BEAUTY

Program Description

Under Article 49 of the Environmental Conservation Law, DEC has the power to develop policies and programs to preserve and enhance the natural and man-made beauty of the State and to encourage, facilitate and assist in the coordination of various State agencies desiring to further the objectives of the program. DEC is also encouraged to advise and assist local governments in developing and coordinating policies and programs with respect to natural beauty. Other functions given DEC include the power to: inventory, study and survey the State's scenic, aesthetic and cultural resources; designate scenic sites, areas and highways in the State and develop programs for their preservation and enhancement; promote the application of aesthetic considerations in the location, design, construction and maintenance of State lands, projects and buildings, and serve as a clearinghouse for information relating to the preservation and enhancement of natural and man-made beauty.

Statutory Authority

Environmental Conservation Law, Article 49

Program Status

No specific programs of DEC are currently based on this article.

Relationship to Coastal Zone Management

Given the extensive scenic and aesthetic resources of New York's coastal zone, the powers given to DEC under this law could be used as the basis for designating specific scenic sites and areas in the coastal zone and developing programs to ensure their preservation and protection.

Other Agencies Involved

Other State agencies and local governments could become involved.

STATE NATURE AND HISTORICAL PRESERVE TRUST

Program Description

This program provides for the acquisition and administration of lands and waters outside of the Forest Preserve Counties which, because of their wilderness character and natural beauty, or geological, historical and ecological significance, should be preserved. Properties so dedicated constitute the State Nature and Historical Preserve. Recommendations for inclusion or acquisition of properties for the Preserve, and for their administration are made by the State Nature and Historical Preserve Trust whose chairman is the Commissioner of NYS DEC.

The Environmental Quality Bond Act of 1972 is the current major vehicle for providing funds to implement the acquisition program. Under the Act, \$2.5 million is available for property acquisition in Western New York, \$3 million in Central New York, and \$4.5 million for the Hudson Valley, New York City and Long Island.

Statutory Authority

NYS Constitution, Article XVI, Section 4; Environmental Conservation Law, Article 45 and Article 51, Sec. 51-0701 (3) (EQBA).

Program Status

While the program has been operational since the 1972 Bond Act was passed, no funds have yet been expended to acquire lands. However, several parcels are being administered under the program, having been acquired through donations.

Relationship to Coastal Zone Management

This program can be useful to CZM in several respects. First, if natural areas near the coastline have already been identified as being suitable for acquisition by the Trust, they are undoubtedly eligible for designation as geographic areas of particular concern that should be preserved and protected under the CZM program. Second, the Trust provides an excellent means for acquiring and preserving these natural areas located within the coastal zone. Third, areas identified by the Trust as suitable for acquisition can be used to help determine a coastal zone boundary for management purposes.

Other Agencies Involved

The Trust consists of the Commissioners of the Department of Environmental Conservation and Parks and Recreation; the Chairman of the Council of Parks and Recreation and four lay members appointed by the Governor.

ENDANGERED PLANT SPECIES PROTECTION

Program Description

The State's endangered plant species legislation provides for preparation of a list of endangered plant species meriting protection which should not be picked or removed from their native habitat. The law makes it a violation to knowingly pick, pluck, sever, remove or carry away any protected plant, without consent of the owner. Violations are punishable by a fine not to exceed \$25. The list of protected plants was prepared by a committee of 28 leading biologists and is incorporated into rules and regulations for the program.

Statutory Authority

ECL Article 9-1503 (1974); 6 NYCRR Part 193.2, 193.3 (1975)

Program Status

The program is on-going with rules and regulations in effect.

Relationship to Coastal Zone Management

This law could be effective in those coastal areas where the location of rare and endangered plant species are known. However, these are not now generally known. If the proposal by the State Museum to conduct such an inventory is funded, this law would be the principal regulatory device for protecting endangered plants and as such should be incorporated into the CZ management program.

Other Agencies Involved

State Museum for inventory

WATER RELATED PROGRAMS

MARINE AND COASTAL RESOURCES

Program Description

DEC has numerous responsibilities for managing certain animals and plants of the marine environment including the fish, shellfish, crustaceans and other invertebrate animal resources. The marine environment (marine and coastal district) subject to management is defined by law to include the waters of the Atlantic Ocean within three nautical miles from the coastline and all other tidal waters within the state, including the Hudson River up to the Tappan Zee Bridge. Such marine environments include the ocean, sound, bays, harbors, rivers, creeks, marshes and the underlying substrates.

The Department coordinates and manages all aspects of shellfish production, and is responsible for developing and maintaining expertise on the marine algae resource. One responsibility is administration of the New York State Shellfish Sanitation Program which requires the monitoring of the sanitary condition of all shellfish-growing waters within the State and the licensing and inspection of intra and interstate shipment of all shellfish. Data gathered on sanitary conditions are utilized in determining those areas that may be certified for the direct harvesting of shellfish.

The Department also conducts management programs designed to maximize the sustained availability and utilization of shellfish resources. These include shellfish transplanting operations, leasing state-owned underwater lands, and the issuance of numerous kinds of permits. Other programs are designed to conserve and manage the many species of marine finfish and crustaceans for recreational and commercial uses.

Statutory Authority

ECL Article 13.

Program Status

These are all on-going programs.

Relationship to Coastal Zone Management

The various program responsibilities of DEC for managing marine and coastal fishery resources are significant for the CZ management program in several respects. First, information on the locations of highly productive marine fishery environments can be used for the inventory and designation of geographic areas of particular concern (GAPC's) and the identification of permissible and priority uses; second, existing DEC management programs to protect the fishery resources can be incorporated into the CZM program to control water uses.

Other Agencies Involved

Several federal agencies, including the U.S. Public Health Service.

OIL SPILL CONTINGENCIES AND LIABILITIES

Program Description

Article 71 of the Environmental Conservation Law provides for strict penalties and strict liabilities for spills of bulk liquids. New York State has an unofficial Oil Spill Contingency Plan, contained in Chapter 1810 of DEC's Policies and Procedures Manual (PPM). A Handbook elaborating the PPM's is being prepared and will be promulgated within the next 6 months. NYS DEC provides support as requested by the Coast Guard and the Federal Environmental Protection Agency under the National Oil Spill Contingency Plan.

Outer Continental Shelf spills are covered in the national level by a separate memorandum of understanding between the U.S. Department of State, Transportation, and Interior. NYS's role in relating to this separate contingency plan has not yet been established.

Statutory Authority

ECL Article 71, 1941.

Program Status

Applied as necessary.

Relationship to Coastal Zone Management

Since spills of oil and other bulk liquids can have adverse effects on the coastal environment, this enforcement program is significant from the standpoint of being a deterrent against such occurrences. As such, it must be incorporated into the CZ management program to aid in preventing damage to coastal resources.

Other Agencies Involved

None.

REALTY SUBDIVISIONS: SEWERAGE SERVICE AND WATER SUPPLY

Program Description

Any subdivision of five or more parcels must receive approval from DEC, or the city, county or part-county department of health having jurisdiction, of its plans for obtaining and furnishing adequate sewerage facilities and a water supply. Approval must be given before any lots are sold, leased or rented or before any permanent building is erected.

Statutory Authority

ECL 17-1505, 1515; 6 NYCRR 653.

Program Status

This is an ongoing approval process operated in response to submission of plans.

Relationship to Coastal Zone Management

This is a basic approval process which, by ensuring adequate sewerage facilities and water supply for subdivisions, helps to prevent water pollution. As such, it certainly must be incorporated into a coastal zone management program as a means of controlling land uses which affect water quality of coastal waters and adjacent streams, estuaries, wetlands, etc.

Other Agencies Involved

City and county health departments.

WATER SUPPLY APPROVAL

Program Description

This program provides for DEC review and approval, after public notice and possible hearing, of proposed new water supplies, both with respect to distribution to the public and/or taking of large quantities of ground or surface water for either public distribution or private use. Such required approval constitutes a major review power over large scale developments throughout the State. This review power has been expanded by regulations such as Part 615 which can require, for subdivision approval, the submission of an environmental impact statement to enable DEC to determine possible adverse environmental impacts.

Statutory Authority

Environmental Conservation Law, Title 15, Article 15; 6 NYCRC, Part 601, also Part 615.

Program Status

Water supply approval is a regulatory program of an on-going nature. About 150 permits a year are issued on the average and one-third to one-half of these are for new subdivisions. The remainder are for extensions of existing systems or additional wells for existing systems.

Relationship to Coastal Zone Management

This is a regulatory program that is of considerable importance to implementation of a CZM program through its State powers to deny or limit water supply approval to developments not meeting water supply standards or creating adverse impacts on existing supplies. The application of this power within the boundaries of the to-be-designated coastal zone will permit, when the provisions of Part 615 of 6 NYCRC are invoked, a review of the potential environmental impact of the entire project of which the application represents a part. Of course, when SEQR becomes effective, its provision should cover the requirement for an environmental impact assessment. However, the actual power to deny water supply approval will be one means by which SEQR can be implemented if adverse environmental impacts with respect to water supply are found.

Other Agencies Involved

Joint regulation by NYS Health Department and local health departments emphasize public health rather than environmental concerns.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)

Program Description

State or National Pollutant Discharge Elimination System (SPDES/NPDES) permits are required of all parties who propose to discharge pollutants into the State's waters. However, while SPDES is similar to NPDES, it also includes not only surface water pollutant discharges over 10,000 gallons per day, but all subsurface discharges (excepting individual house systems of 1000 gallons per day or less). DEC incorporated NPDES in its issuance of SPDES permits as of October 28, 1975.

DEC issues such permits, specifying effluent limitations and standards, compliance schedules and required monitoring, after public notice and optional public hearing regarding all discharge permit applications. All industrial, commercial, municipal and residential discharges are covered (explicitly including five or more lot subdivisions) unless they discharge through a municipal sewage treatment system.

Since SPDES requires that the water quality classification of the water receiving the discharge cannot be contravened, the system has considerable impact on future locations and intensity of development and on proposed changes in existing land uses.

Statutory Authority

Federal: Water Pollution Control Act of 1972 (P.L. 92-500), Sections 301, 302, 306, 307, 402; State: Environmental Conservation Law Article 17, Title 8; 6 NYCRR 750-757, Chapter X, Subchapter A, Article 1; 6 NYCRR 652, Chapter X, Subchapter A, Article 1.

Program Status

SPDES is an on-going program. All existing and future wastewater discharges must be issued permits, monitored and reissued permits on a five year basis.

Relationship to Coastal Zone Management

SPDES will be an important mechanism for coastal zone management, particularly in helping to maintain the water quality classifications of coastal waters by requiring certain treatment levels of existing and new discharges. In some cases where the CZM program may call for revision in water quality classifications as a result of changes in desired water uses for a particular area, SPDES can be an important tool to be used in achieving the new classifications.

Other Agencies Involved

The U.S. EPA is kept informed of the status of discharge permits issued. DEC receives inputs for SPDES processing from local and county health departments. DEC also provides input to local health departments in the form of plan reviews.

PROTECTION OF WATERS

Program Description

Under this law, permits are required for: changes, modifications, or disturbances to beds or banks of protected streams (those classified C "trout" or higher); excavations or fills in navigable waters or adjacent estuaries, tidal marshes and wetlands; and the construction of sizable dams or docks. Permits must be obtained from DEC and hearings may be held, if necessary, prior to such permit issuance.

Permits are granted only after a determination that the health, safety and welfare of the people in the state will not be affected by the proposed action and that the natural resources of the State, including soil, forests, water, fish and aquatic resources will not be adversely affected.

Plans to disturb a stream or navigable waters will not be approved if the proposal causes unnecessary soil erosion, increased water turbidity, irregular variations in water velocity, water temperature and water levels, pollution of waters, loss of fish and aquatic resources, the danger of flooding or the destruction of natural habitat.

Statutory Authority

EGL Article 15, Title 5; 6 NYCRR Part 608

Program Status

This is an ongoing program carried out in response to permit applications.

Relationship to Coastal Zone Management

This is a permit program which will be of considerable importance to implementation of a CZM program since many of the permits deal directly with activities proposed in that portion of coastal areas designated as the coastal zone for management purposes. Primarily, the requirement for permits will be an important element of the CZM program by making it possible to control proposed activities such as fills and excavations which are deemed undesirable in certain geographic areas of particular concern (GAPC) that are designated for protection or preservation. Also, this program will be one means of controlling and regulating permissible land and water uses when these are identified for the coastal zone.

Other Agencies Involved

None

RIVER IMPROVEMENT PROGRAM

Program Description

This program provides a method by which a project may be undertaken to improve the channel, construct dikes or regulate the flow of a river for the protection of life, property and the public health or welfare from damage by floods. The projects are undertaken at the expense of the owners of the properties and of the political subdivisions of the State which receive the benefits of the projects. River improvement districts, which are public corporations, may be created to carry out the program for a particular river or portion of the river and may receive federal aid either in the form of direct financing or actual performance of the work by a federal agency.

Statutory Authority

Environmental Conservation Law, Article 15, Title 23.

Program Status

The need for this program, with its local financing provisions, has largely been superseded by the availability of federal aid for flood control projects under various programs.

Relationship to Coastal Zone Management

This program would be applicable only to the Hudson River coastal zone from New York City to Troy and to the St. Lawrence River coastal zone. It is conceivable, in the course of developing a CZM program, that the control of certain land and/or water uses in these coastal areas could be accomplished by implementation of this program.

Other Agencies Involved

Municipalities.

WASTE COLLECTION REGISTRATION PROGRAM

Program Description

Those who commercially clean septic tanks or cesspools, or marina sanitary waste-holding facilities, or scavenge or dispose of commercial wastes and industrial process wastes, must register with DEC. (Most industrial wastes are now handled privately but will be brought in under the law by amendment in the near future.) Application indicates the type of waste and the proposed method or place of disposal. Certification is granted if the \$25 fee is paid and if the means of disposal is acceptable to the Department. The program is implemented by the Central Office, Regional Office, or County Health Department, depending upon the applicant. There are about 750 commercial collectors in the State, disposing of more than 165 million gallons of wastes a year. Of this, about 30 million gallons is spread on agricultural land, or lagooned and disposed in a sanitary land fill. Improper disposal could lead to contamination of ground or surface waters or to a condition that would be detrimental to growth of vegetation.

Statutory Authority

ECL 27-0301, Title 3; 6 NYERR 364

Program Status

Registration and certification is carried out in response to application.

Relationship to Coastal Zone Management

There could be significant implications of this program for CZ management, particularly if these wastes are spread on agricultural land or sanitary land fills in coastal areas. Improper disposal could lead to contamination of ground or surface waters or to a condition that would be detrimental to wetlands or other ecologically significant coastal areas. For these reasons, this registration program should be incorporated into the CZ management program to ensure proper disposal that takes into account designated geographic areas of particular concern, permissible land and water uses, etc.

Other Agencies Involved

County health departments in some cases.

AIR POLLUTION CONTROL PROGRAMS

AIR QUALITY MAINTENANCE PLANNING

Program Description

In response to federal requirements and a federal court case, air quality maintenance areas have been identified throughout the State where national air quality standards may be exceeded because of expected growth and development between 1975 and 1985. The federal court ruled that the basic State Implementation Plans did not address the maintenance of standards once these standards are achieved, as required by the Act. Accordingly, the federal EPA indicated that all plans submitted by States were deficient and that a formal maintenance planning process would be needed.

Ten areas of New York State are designated maintenance planning areas. New York City, Nassau, Suffolk, Westchester and Rockland counties comprise one Air Quality Maintenance Area. The nine other areas include the Mid-Hudson, Capital District, Utica-Rome, Syracuse, Rochester, Niagara Frontier, Jamestown, Elmira-Corning and Binghamton regions. If the analysis of an area reveals the likelihood of a national air quality standards violation, plans will be formulated to insure maintenance of the air standards. If a violation is not probable within the 1975-85 period, designation of the area is not rescinded; however, a plan for the area is not required.

The plans for some areas could include controls on the modification and location of present and future areawide transportation facilities, industrial and residential development, and construction of indirect sources.

Statutory Authority

P. L. 91-604 (Clean Air Amendments of 1970), Section 110. Court decision in NRDC v EPA, 1973 Sec. 40, CFR Part 51.

Program Status

Analysis is proceeding for the ten areas. Present schedules call for approved plans for the designated areas by 1978.

Relationship to Coastal Zone Management

For those portions of the coastal zone located in a designated air quality maintenance area, the plans for these areas could include extensive controls over certain types of land uses based on the need to maintain air quality standards. Because the dispersal of development is often more conducive to the achievement of air quality standards, there may be conflicts with other objectives for the coastal zone which may call for more concentrated development in order to preserve or achieve certain other coastal zone values. Conversely, benefits could accrue to the coastal zone if land use controls to achieve air quality standards prevent certain types of development that may be deleterious to the coastal zone.

Other Agencies Involved

Regulations require involvement of local and regional planning agencies in the planning process, plus the state transportation planning agency.

SIGNIFICANT DETERIORATION OF AIR QUALITY

Program Description

Perhaps the most controversial element of the interpretation of the national Clean Air Act is the significant deterioration or "non-degradation" issue. Current U.S. Environmental Protection Agency regulations are based on a Supreme Court decision stating that the Clean Air Act prohibits the degradation of air quality in areas that presently have cleaner air than required by Federal primary and secondary ambient air quality standards.

Current regulations allow States the option of designating areas as Class I, Class II or Class III. Class I designation allows for a very small increment of air degradation to Class III which would approach the national standards.

Congress is presently amending the Clean Air Act to affirm the non-degradation in the law rather than the regulations. The proposed legislation would reduce federal authority in favor of expanding the State and local role, but would still maintain the three classification options. The pending legislation states that no area may exceed 90% of lowest national standards for all pollutants; variances by the States may be granted for coal conversions or gas, curtailments, temporary particulate sources, and new foreign pollution sources. Certain regions such as national parks and wilderness areas would automatically receive the Class I designation.

Statutory Authority

P. L. 91-604 (Clean Air Act Amendments of 1970)

Program Status

Awaiting amendments to the Clean Air Act

Relationship to Coastal Zone Management

The concept of non-degradation of air quality is far-reaching and could have substantial effects on the nature, extent and location of future development in the coastal zone, depending upon the content of the Congressional amendments to the Clean Air Act currently being considered. Any coastal zone management program will have to be cognizant of and incorporate provisions of non-degradation rules and regulations into the program. In New York, there are likely to be numerous sections of the coastal zone falling within the more stringent classification. In addition, the designation of Geographic Areas of Particular Concern in the coastal zone will aid New York in assigning classifications to areas within the coastal zone.

Other Agencies Involved

Regulations developed, once the new amendments are enacted, will likely call for formal intergovernmental participation.

PERMITS FOR SOURCES OF AIR POLLUTION

Program Description

DEC has the authority to issue permits for sources of air contamination and does so through a number of rules and regulations. Specifically, the Department regulations require that a permit to construct be obtained from the Department before a source of air pollution may be built, installed or modified. The regulations also require that a certificate to operate be obtained from the Department before a source of air pollution may be operated. For both permits and certificates, applicants must provide proof that the source will not violate air quality standards nor any of the emission regulations which apply. Both federal and state air quality standards are considered in reviewing applications. The emission standards cover the full range of air pollution sources, including industrial processes, storage facilities, combustion installation and incinerators. The degree of air contaminant emission control required varies from source to source on the basis of source size and the potential environmental effect of emissions. Larger sources which are more easily and economically controlled and sources that emit more toxic materials are required to control to a greater degree.

Statutory Authority

ECL 19-0301.

Program Status

This is an on-going program which issues permits as requested.

Relationship to Coastal Zone Management

With respect to air quality in coastal areas, this permit program will help ensure that appropriate standards are met. Accordingly, the program should be incorporated into the CZ management program as one more means to maintain desired environmental quality.

Other Agencies Involved

None.

INDIRECT SOURCE CONTROL

Program Description

This permit procedure prevents construction or modification of an indirect source of air contamination without a valid permit to construct from NYSDEC. Indirect sources are facilities which do not have air contaminant emissions themselves but which attract a large number of motor vehicles. Construction affected includes parking lots, roads and highways, airports, stadiums, and other facilities with large associated parking for automobiles. The size and location of the indirect source determine whether the construction comes within the scope of the regulation. DEC can disapprove construction or modification of an indirect source if the source would either cause a new violation or exacerbate an existing violation of any applicable air quality standard at any time in the ten years following the construction or modification. However, the permit procedure emphasizes encouraging prospective indirect source owners to adequately design and locate facilities so as to minimize the impact of vehicular emissions as opposed to simply approving or disapproving the proposed construction.

Statutory Authority

P. L. 91-604 (Clean Air Amendments of 1970); Environmental Conservation Law, Section 3-0301, 19-0301, 19-0303.

Program Status

This permit procedure is an on-going program.

Relationship to Coastal Zone Management

This permit procedure will affect land use aspects of the CZM program by the major impact that air quality considerations will have on any proposed development in certain portions of the coastal zone, primarily those near large urban areas. In heavily used coastal areas such as Long Island, the overall effect may be beneficial with respect to other coastal resources since certain types of development with possible adverse effects on these resources may not be built if air quality standards will be contravened. Thus, this permit procedure should be incorporated into a CZM program as one means of exerting control over certain types of land uses in some portions of the coastal zone.

Other Agencies Involved

None.

UP GRADING STATE/MUNICIPAL AIR POLLUTION SOURCES UNDER EQBA

Program Description

The Environmental Quality Bond Act of 1972 authorizes the State to provide funding (partial for municipal, full for State) for upgrading stationary air pollution sources. \$50 million is provided for upgrading State facilities; \$100 million is provided for municipal air quality improvement projects. The State funds municipal projects up to 50% of the cost of the project. In New York State most municipal incinerators do not have adequate emission control to handle the burning of 20,000 tons of solid waste daily. Environmental Quality Bond Act funds provide for necessary improvements to reduce particulates. Priority is given to those State facilities not meeting emission standards in those areas of the State where ambient air quality standards are not being met.

Statutory Authority

Environmental Quality Bond Act, Title 3, Chapter 658, Laws of 1972

Program Status

To date, municipalities have submitted a total of 346 applications requesting State assistance. Thirty of these applications have been approved. In the State sector, 132 projects have been approved and 106 projects completed.

Relationship to Coastal Zone Management

This is not a significant program for most of the coastal zone. However, in those areas where air pollution from State or municipal stationary sources is a problem, the program does provide funds for emission control. Most likely to benefit are the coastal areas of Long Island, New York City and the lower Hudson where the population is large and incinerators and other air pollution sources more numerous.

Other Agencies Involved

Municipalities that receive funds are responsible for work done to the air pollution source.

OTHER STATE AGENCY PROGRAMS

SITING OF MAJOR STEAM ELECTRIC GENERATING FACILITIES

Program Description

DEC participates in Article VIII (Steam Electric Generation Facilities) proceedings as a statutory party empowered to present expert testimony "concerning the potential impact of the proposed facility and any alternative facility or energy source of the environment, and whether and how such facilities would comply with applicable State and municipal environmental protection laws, standards, policies, rules and regulations" (PSL, Art. VIII; S 144.1.b). Applicants for a steam electric generating facility of 50,000 kilowatts or more must obtain a certificate of environmental compatibility and public need from the NYS Board on Electric Generating Siting and the Environment. The Commissioner of Environmental Conservation is one of the five statutory members of the Board. DEC also furnishes, by law, an Associate Hearing Examiner for the hearings during which the Record is established upon which the application must be approved, denied, or modified. The Board possesses broad discretionary powers to modify proposed certifications with respect to site, type of generation, and design features subject to the constraint that such modifications must be based upon the Record. Participation in any Article VIII case is open to all interested parties, subject to the administrative mechanisms established in the law.

Statutory Authority

Public Service Law, Article VIII

Program Status

This review process is an on-line program and coordination activity is done on an as-required basis. Article VIII proceedings are given a high priority in environmental analysis activity.

Relationship to Coastal Zone Management

Article VIII proceedings will be an integral part of the Coastal Zone Management Program. They will help ensure that proposals to construct a facility as large as a major power plant, which could possibly have widespread adverse environmental effects if located in certain parts of the coastal zone, are subject to a thorough review so that all possible conditions, safeguards, alternatives and impacts are considered.

Other Agencies Involved

Local governments as well as the private sector participate along with DEC in providing input to PSC in Article VIII proceedings.

GAS PIPELINE AND ELECTRIC TRANSMISSION LINE CERTIFICATION

Program Description

Article VII of the New York State Public Service Law (PSL) requires new gas transmission pipelines and new major electric transmission lines to obtain Public Service Commission certification of environmental compatibility and public need prior to construction. A formal hearing process is provided for both types of certification on receipt of an application. DEC, the Department of Commerce and the Secretary of State are statutory parties to the proceedings.

Statutory Authority

PSL Article VII

Program Status

The certification proceedings are carried out in response to applications.

Relationship to Coastal Zone Management

For gas pipeline and electric transmission line facilities proposed for coastal areas, the required certification process will help ensure that the proposals meet the objectives of the CZ Management program with respect to permissible land and water uses and preservation and protection of certain designated geographic areas of particular concern (GAPC's). For these reasons, the certification process should be incorporated into the CZM program as one more means by which controls are exercised over land and water uses.

Other Agencies Involved

DEC, Department of Commerce and the Secretary of State.

AGRICULTURAL DISTRICTING

Program Description

The program provides for the creation of agricultural districts of 500 acres or more to foster continued viable agricultural operations and protect such areas from extensive non-farm development, regulations hampering agriculture, and prohibitive taxation. More specifically, creation of an agricultural district has the following effects: (1) local regulations that unreasonably restrict farming in agricultural districts are to be limited; (2) policies of State agencies are to reflect the importance of farming in agricultural districts; (3) the exercise of eminent domain and the advance of public funds that would facilitate non-farm land uses within an agricultural district are to be limited; (4) the power of certain public service districts to impose benefit assessments or special district (add valorem) levies is to be limited; and (5) most land within an agricultural district will be eligible for an agricultural value assessment.

Creation of districts depends upon local initiative, representing strong intentions at county and local levels to maintain agriculture as a significant land use. After approval by the county, every district must be certified by the Commissioner of Environmental Conservation as to its consistency with State environmental policies and objectives. Such certification is granted only after reviews by the Department of State as to possible conflicts with State comprehensive plans and by the Agricultural Resources Commission to assure that the district is predominantly viable agricultural land. Since September 1975 districts of 2000 acres or more defining unique and irreplaceable agricultural land may be created by the Commissioner of Environmental Conservation.

Statutory Authority

Agricultural and Markets Law, Article 15AA (Chapter 479, Laws of 1971, as amended).

Program Status

The program has been in operation since September, 1972. There are presently over 3½ million acres of land in 170 Agriculture Districts in 45 counties of the State. Within coastal zone counties, 55 districts have been created as of January, 1976.

Relationship to Coastal Zone Management

Where agricultural districts fall within the boundary of the coastal zone management area, there will be a degree of added protection for agricultural lands that would not otherwise exist. This may be particularly important in some of the fruit growing areas along the Great Lakes where close proximity to coastal waters is beneficial for certain species. However, it should be noted that an agricultural district does not guarantee iron-clad preservation of agricultural lands, but only makes it more difficult for development to disrupt farming activities.

Other Agencies Involved

Agriculture Resources Commission; Department of State; county governments.

PARKS AND RECREATION

Program Description

The New York State Office of Parks and Recreation (OPR) undertakes a number of activities. It has the power to acquire land, and develop, preserve, manage, maintain and operate properties. OPR can also enter into contract with other individuals and groups for these purposes. Currently, OPR holds 142 different properties, many of them in the coastal zone area, ranging from natural and historic preservation areas to areas developed for intensive recreation.

OPR has an enforcement function through the State Park and Parkway Police and through the administration of the Recreational Vehicle and Navigation Laws. The placing of navigation markers and the charting of certain inland waters are also an OPR responsibility where the Coast Guard and/or New York State Department of Transportation does not perform these functions.

The OPR has either direct responsibilities for State programs and/or directly manages Federal programs providing grants-in-aid for the acquisition and development of recreational areas and for the preservation of historic sites. In this capacity OPR accepts and reviews applications, provides for appropriate budgetary, audit and other State support, provides for the appropriate environmental analysis and maintains the appropriate acts and documents for these projects.

The Commissioner of OPR is State Liaison Officer for recreation and historic preservation. In this role, in addition to the grants-in-aid and operations functions mentioned above, the Commissioner is in some cases required to and in other cases has the powers to review and comment on projects sponsored by other agencies. Most of these functions relate to the preservation and use of recreational land and waters and historically and archeologically important sites.

Statutory Authority

NYS Laws of 1970, Chapter 140; L. 1971, Chapters 426, 745, 868, L. 1972, Chapters 660, 662, 663.

Program Status

These are all on-going programs

Relationship to Coastal Zone Management

Existing OPR programs can be useful to CZM in several respects. Identification of OPR properties in coastal areas will assist in the determination of the boundaries of the coastal zone subject to the management program and in the designation of geographic areas of particular concern. OPR powers to manage its properties can be incorporated into the CZM program as a means to control land and water uses on these properties. The powers of OPR could be used in appropriate instances to acquire coastal lands suitable for recreation or historic preservation. Finally, the review powers of OPR should be incorporated into the CZM program to ensure that projects sponsored by other agencies do not adversely affect OPR recreational or historic sites.

Other Agencies Involved

Other State agencies proposing projects that may adversely affect OPR properties.

TRANSPORTATION

Program Description

The New York State Department of Transportation (DOT) has the responsibility to coordinate and develop comprehensive, balanced transportation policy and to coordinate and assist in the development and operation of the transportation facilities and services that the State requires. Such facilities include highways, rapid transit, railroad, bus, marine and aviation facilities and services, whether publicly or privately owned, developed, operated or maintained.

Statutory Authority

New York State Transportation Law.

Program Status

These are on-going programs.

Relationship to Coastal Zone Management

Since the location of transportation facilities in coastal areas could have major impacts on land and water uses within the coastal zone, there must be a mechanism incorporated within the CZM Program to ensure that these impacts are eliminated or minimized. Because many transportation facilities are federally-funded, the National Environmental Policy Act would require the preparation of an Environmental Impact Statement (EIS) for such federally-funded projects. This would serve as an appropriate mechanism to review impacts. In addition, implementation of the State Environmental Quality Review Act (SEQR) will ensure that remaining non-federally-funded projects are scrutinized for their environmental impacts. With these two environmental review mechanisms (NEPA and SEQR) in place, assessment of the environmental impact of transportation facilities proposed for coastal areas is assured.

Other Agencies Involved

DEC; municipalities.

PUBLIC LANDS LAW (PLL)

Program Description

The Office of General Services (OGS) has responsibility for the general care and superintendence of all State land, upland and underwater, which is not vested in some other State department, division, bureau or agency. The Commissioner of General Services is generally empowered to issue leases, grants easements and licenses for dredging, bulkheads, fills and structures, pipelines, and cables, both underwater and aerial. However, under an amendment to the Public Lands Law, OGS no longer has responsibility for the licensing and regulation of the taking of sand, gravel or other materials found in underwater State lands bordering Erie County, most of Chautauqua County, and all of Long Island.

Specific programs include:

- (1) Grants of Unappropriated State Lands (PLL, Article 3): These are lands to which the State holds title and are not directed by law to any specific use. Included are lands declared surplus to the needs of any State agency. Lands are sold at public auctions to private individuals or municipalities.
- (2) Underwater Land Grants (PLL, Article 6): Grants in perpetuity of underwater land may be made to owners of adjacent land to promote commerce or for other agricultural, recreational, transportation or conservation purposes. Permits from various government agencies may be required.
- (3) Extracting Minerals from State and Private Lands (PLL, Article 7): Permits may be issued to enter upon State lands for working a mine or extracting any minerals. Royalties are payable to the State.
- (4) Underwater Land Easements (PLL, Subdivision 2): In order to control the placement of structures on State underwater land, construction beyond an upland owner's riparian rights must be authorized by an easement on underwater lands not appropriated to any immediate use.
- (5) Removing Material from Underwater Lands (PLL, Subdivision 5, Section 3): This program licenses and regulates the removal of sand, gravel, or other material from the underwater lands of the State. Most of this removal is done in connection with a requirement for fill material or keeping navigable channels open.

Statutory Authority

Public Land Laws, Articles 2,3,6,and 7.

Program Status

These are ongoing programs.

Relationship to Coastal Zone Management

The powers given the State under the Public Lands Law are potentially very significant for coastal zone management, particularly as means to exert controls over permissible land and water uses. However, it would be necessary to know where the lands subject to the PLL are located, especially the unappropriated upland and underwater lands. Most of the grants, leases, easement, licenses, permits, etc. which can be issued under the PLL are for activities that may have adverse effects on the coastal environment. Accordingly, it is essential that these fall under the purview of the CZ management program. When SEQOR becomes effective, it would appear that the grants, leases, etc. will be subject to issuance of an environmental impact statement.

Other Agencies Involved

DEC; NYS DOT; NYS Geological Survey; NYS Department of State; NYS Power Authority; U.S. Army Corps of Engineers; and municipalities.

1977 LEGISLATIVE PROGRAM
ADDITIONS AND MODIFICATIONS

TABLE OF CONTENTS

Page

1977 LEGISLATIVE PROGRAM ADDITIONS AND MODIFICATIONS

NEW PROGRAMS - 1977

A. Environmental Review Programs	
1. Uniform Procedures	48
B. Land Related Programs	
1. New York State Resource Recovery Policy Act	49
C. Water Related Programs	
1. Oil Spill Compensation Liability Plan	50
D. Air Pollution Control Programs	51
None	
E. Other State Agency Programs	
1. Urban Cultural Parks Program	51

MODIFICATIONS TO EXISTING PROGRAMS - 1977

A. Environmental Review Programs	
1. State Environmental Quality Review- Chapter 252 Laws of 1977	52
B. Land Related Programs	
1. Freshwater Wetlands - Chapter 654 Laws of 1977	52
2. Fish Propagation and Management - Chapter 304 Laws of 1977	52
3. Oil and Gas Leases on State Lands - Chapter 722 Laws of 1977	52
4. Wild, Scenic and Recreational Rivers - Chapter 637 Laws of 1977	52
C. Water Related Programs	
1. Marine and Coastal Resources - Chapter 724 Laws of 1977	53
2. Realty Subdivisions: Sewerage Service and Water Water Supply - Chapter 638 Laws of 1977	53
D. Air Pollution Control Programs	53
None	
E. Other State Agency Programs	
1. Economic Development Bond Act - Chapter 455 Laws of 1977	53

NEW PROGRAMS - 1977

A. ENVIRONMENTAL REVIEW PROGRAMS

(1) UNIFORM PROCEDURES ACT (D.E.C.)

Program Description

This legislation establishes uniform procedures and specific time periods for the processing of permit applications by DEC. The major provisions of this measure include the following:

- 1.) A requirement that DEC give written notice to an applicant 15 days after the receipt of an application that the application is complete, or a statement of what additional information is needed.
- 2.) A 90 day limit on the time that DEC has to make determinations on permit applications which do not require a public hearing, and where a public hearing is necessary, a requirement that the determination be made within 60 days after receipt of a complete record.
- 3.) A 45 day time limit for determinations involving "minor projects."
- 4.) The automatic granting of a permit if DEC fails to meet the time deadlines set forth in the statute, upon notice to the Commissioner and his failure to act.
- 5.) Statutory authorization for the simultaneous submission of all applications for permits associated with the project in order to facilitate a comprehensive project review.

Statutory Authority:

ECL Article 70 (new)

Program Status

Becomes effective November 1, 1977 and shall apply only to applications received on or after that date.

Relationship to Coastal Zone Management

The implementation of a coastal management plan would require the establishment of a permit system to control land and water uses to insure that coastal management goals and objectives are achieved. Permits would be required for any proposed land use activity within the coastal zone boundary, both within and outside of GAPC's. This legislation would guarantee the prompt administration of such a permit system.

Other Agencies Involved

(None)

B. LAND RELATED PROGRAMS

(1) RESOURCE RECOVERY POLICY ACT

Program Description

This legislation provides for the development of a comprehensive State Resource Recovery Plan. The major impact of this bill will be to commit N.Y.S. to a policy of resource recovery and to require the development of a coordinated and comprehensive plan taking into account local, regional and state needs.

Statutory Authority

ECL Article 27

Program Status

The Commissioner of DEC is required to submit to the State Legislature a draft of the State Comprehensive Resource Recovery Plan by January 1, 1978. By July 1, 1978 the State Legislature must approve a final plan.

Next year Governor Carey intends to push for the development of a comprehensive program that addresses the larger issue of resource recovery facilities development, beyond the mere planning phase. This program will take into account local, regional, and state needs and abilities and will concentrate on encouraging and enabling the private development of resource recovery facilities.

Relationship to Coastal Zone Management

The development of a recovery plan provides the basis for the review process established in ECL Article 27, Title 5 "Review of New Solid Waste Management Facilities". Solid waste disposal facilities are now, and in the future will be even more limited in coastal areas. In addition to salvaging potentially lost resources, the resources recovery plan will help to solve the limitations on disposal facilities in the coastal area.

Other Agencies Involved

(None)

Chapter 725 of Laws of 1977

Amends Chapter 425 of the Laws of 1977 which required the formulation of a Comprehensive State Resource Recovery Plan, to provide that such plan shall consider all environmentally sound disposal methods.

C. WATER RELATED PROGRAMS

(1) OIL SPILL COMPENSATION LIABILITY PROGRAM

Program Description

This bill amends the Navigation Law, the Highway Law, and the State Finance Law to establish a comprehensive program with respect to petroleum discharges. Included in the program are measures to prevent and contain oil spills and the creation of a \$25 million fund to be used to pay for direct and indirect damages sustained by any party resulting from an oil spill.

The fund would be accumulated by a license fee of one cent per barrel of petroleum transferred by any petroleum facility with a total storage capacity of more than 400,000 gallons.

Statutory Authority

Navigation Law Article 12; Highway Law Subdivision 9a; State Finance Law Section 53.

Program Status

This act is effective April 1, 1978. Because of criticism from state agencies and private industries Governor Carey has suggested review and comments on this legislation for possible amendment prior to its implementation.

Relationship to Coastal Zone Management

Offshore drilling operations, and petroleum transport storage and refining activities may result in oil discharges to coastal waters. These spills often have direct and significant adverse impacts on coastal resources. The establishment of a comprehensive program to prevent and control oil discharges and a fund to compensate for cleanup costs and damages will heighten the state's ability to protect ecological, recreational and economic coastal resources.

Other Agencies Involved

The Department of Transportation is the licensing and lead cleanup agency. The Department of Audit and Control supervises the administration of the fund. The Department of Environmental Conservation will provide DOT with technical expertise relevant to environmental concerns.

D. AIR POLLUTION CONTROL PROGRAMS

(NO NEW PROGRAMS)

E. OTHER STATE AGENCY PROGRAMS

(1) URBAN CULTURAL PARKS PROGRAM

Program Description

This program provides for utilization of urban areas through the use of cultural, historic, natural and architectural urban resources as part of a statewide system of urban cultural parks, and calls for the preparation of an urban cultural parks plan by the Office of Parks and Recreation (OPR).

Statutory Authority

Parks and Recreation Law Section 3.21

Program Status

Just being initiated by OPR.

Relationship to Coastal Zone Management

Many of the urban areas containing valuable cultural and natural resources are located in New York's coastal zone. A cultural parks system could be an effective tool in the overall coastal management program to protect coastal, cultural and natural resources.

Other Agencies Involved

None

MODIFICATIONS TO EXISTING PROGRAMS - 1977

A. ENVIRONMENTAL REVIEW PROGRAMS

(1) STATE ENVIRONMENTAL QUALITY ACT

Chapter 252 of Laws of 1977

This bill amends the State Environmental Quality Review Act to clarify and improve various procedures under the act, and to delay until September 1, 1978 its application to certain non-major projects undertaken by local government or private industry.

B. LAND RELATED PROGRAMS

(1) FRESH WATER WETLANDS ACT

Chapter 654 of Laws of 1977

This bill amends the Freshwater Wetlands Act enacted in 1975 to clarify the role of local governments in implementation of the Act, to clarify the applicability of the Act to freshwater wetlands in the Adirondack Park and to make numerous other changes necessary for the effective administration of the Act.

(2) FISH PROPOGATION AND MANAGEMENT

Chapter 304 of Laws of 1977

This bill authorizes DEC to regulate fishing in New York State for a three year period. Prior to enactment of this measure, most fishing seasons, size and catch limits were established by the legislature.

(3) OIL AND GAS LEASES

Chapter 722 of Laws of 1977

This bill lifts the current ban on drilling for gas in Lake Erie and authorizes DEC to make leases on behalf of the State for the exploration, development, and production of gas in state-owned lands under the waters of the Lake and along its shoreline. The bill also gives DEC the authority necessary to regulate leasing and drilling, establishes certain minimum environmental standards and appropriates \$100,000 to cover the administrative and enforcement costs of the Department.

(4) WILD, SCENIC AND RECREATIONAL RIVERS

Chapter 637 of Laws of 1977

This measure adds a 7 mile stretch of the Nissequoque River in Suffolk County to the list of rivers to be studied by DEC for possible inclusion in the State Wild, Scenic and Recreational Rivers Program.

C. WATER RELATED PROGRAMS

(1) MARINE AND COASTAL RESOURCES

Chapter 724 of Laws of 1977

Provides that any two or more member states of the Atlantic State Marine Fisheries Commission may designate the Commission as a joint regulatory agency for regulation of marine fisheries common to their waters.

(2) REALTY SUBDIVISIONS: SEWERAGE SERVICE & WATER SUPPLY

Chapter 638 of Laws of 1977

Clarifies the definition of the terms "subdivision", "tract", "residential lot", and "residential building plot", as used in provisions of the ECL and Public Health Laws relating to realty subdivisions.

D. AIR POLLUTION CONTROL PROGRAMS

(None)

E. OTHER STATE AGENCY PROGRAMS

Chapter 455 of Laws of 1977

This measure authorizes the creation of a state debt to an amount not exceeding in the aggregate seven hundred fifty million dollars (\$750,000,000) for the purpose of promoting and implementing a comprehensive and integrated economic action program for New York State by providing moneys to be used for the acquisition, construction, reconstruction, establishment, improvement or rehabilitation of capital facilities for industrial and community development, tourism and recreation, conservation and environment and local transportation access, for the acquisition of incidental real property and interests in real property required or expected to be required therefor, and for any capital equipment used in connection therewith, by the state or any county, city, town, village, public benefit corporation or other public corporation, school district, or two or more of the foregoing acting jointly to promote, encourage and initiate economic development in the state. It will become effective upon approval by the People at the general election to be held in November, 1977.